

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4836 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

WADHWAN NAGARPALIKA

Versus

DURGAPRASAD L SHUKLA

Appearance:

MR UTPAL M. PANCHAL with MR DD VYAS for Petitioner
MRS DT SHAH for Respondent No. 1 - ABSENT

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 01/09/2000

ORAL JUDGEMENT

The petitioner challenges the award dated 11.3.1991 made by the Labour Court, Surendranagar, by which the petitioner was directed to reinstate the respondent workman with full backwages to the same position in which he was working at the time of his

retrenchment.

2. According to the respondent workman, he was working as a dailywager Overseer for more than one and a half years, but on 4th October, 1985 the petitioner had suddenly terminated his service without payment of any retrenchment compensation. Even the petitioner's Chief Officer had stated that he knew the respondent who was working as a dailywager since 1985. Admittedly, when his services were terminated on 4th October, 1985, no retrenchment compensation was paid to the respondent. On the basis of the material on record the Tribunal came to a finding that though the respondent had put in more than 240 days of service during the concerned year, he was not paid any retrenchment compensation in accordance with the provisions of Section 25F of The Industrial Disputes Act, 1947, when his services were terminated on 4th October, 1985. There is no valid ground for interfering with this finding of fact reached by the Tribunal in favour of the respondent. The Tribunal has acted in lawful exercise of its jurisdiction on the basis of the material on record, warranting no interference by this Court under Art. 227 of the Constitution of India.

In fact, in the affidavit-in-reply, the respondent has stated that since he had reached the age of sixty years in 1991, he was now not interested in restatement, but was concerned with the backwages. The Court had, by its order dated 9th October, 1990, vacated the ad-interim relief regarding payment of backwages and directed the petitioner to deposit backwages as awarded by the Labour Court to the respondent workman and the respondent workman was permitted to withdraw the amount on furnishing security to the satisfaction of the Labour Court.

3. In view of what is stated hereinabove, there is no substance in the petition and it is rejected. Rule is discharged with no order as to costs.

*/Mohandas